

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR ADMISSIONS,
INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH CAROLINA et
al.,**

Defendants.

**PLAINTIFF'S MOTION FOR
EXPEDITED CONSIDERATION OF
PLAINTIFF'S MOTION TO EXCLUDE
LATE-DESIGNATED WITNESSES AND
LATE-PRODUCED DOCUMENTS**

Pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.3, Plaintiff Students for Fair Admissions, Inc. ("SFFA") respectfully moves for expedited consideration of SFFA's pending Motion to Exclude Late-Designated Witnesses and Late-Produced Documents ("Motion to Exclude"). In support of this motion, SFFA states as follows:

1. The fact discovery period closed on July 30, 2017.
2. On July 13, 2018, Defendants (collectively, "UNC") amended their initial disclosures and identified five new fact witnesses and produced to SFFA new documents totaling 246 pages upon which they intend to rely at summary judgment and trial.

3. On August 3, 2018, SFFA filed the Motion to Exclude this new material.
4. On August 24, 2018, UNC filed an opposition to the Motion to Exclude.
5. On September 6, 2018, SFFA filed a reply brief in support of its Motion to Exclude.
6. In its reply brief, SFFA argues that its Motion to Exclude should be granted. In the alternative, argues that if the motion is denied, then SFFA should be granted leave to take discovery relating to the new material. SFFA further argues that it should be afforded a 90-day period for such discovery and that the deadline for summary judgment motions should be moved until 30 days after the close of the new discovery period.
7. The resolution of the Motion to Exclude thus may bear on both the availability of the new material UNC disclosed and the timing of the parties' summary judgment motions.
8. Motions for summary judgment are presently due on September 21, 2018, and the parties are working on their respective summary judgment papers.

9. In order that the parties have sufficient time to account for any ruling by the Court on the Motion to Exclude, SFFA respectfully requests that the Court consider that motion on an expedited basis.

10. SFFA conferred with UNC on this motion. UNC takes no position on this motion.

For all these reasons, SFFA respectfully requests that the Court grant this motion.

Respectfully submitted,

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Attorneys for Plaintiffs

Dated: September 10, 2018

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing pleading via the Court's electronic filing system, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This the 10th day of September, 2018.

/s/ Thomas R. McCarthy
Thomas R. McCarthy